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OFFICE OF ATTORNEY-GENERAL

C O P Y

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June 30, 1958

OCT 01 1998

CONCORD, N.H.

James J. Barry, Commissioner
Public Welfare Department
State House Annex
Concord, New Hampshire

Re: Nottie Taylor, Pending OAA
Gale Nursing Home, Laconia, N.H.

Dear Mr. Barry:

This is in reply to your letter of June 26, 1958 in which you request our opinion as to the political subdivision responsible for the local share of old age assistance granted to the above named individual.

You advise that Mrs. Taylor lived in Moultonboro from 1919 to June 22, 1951 when she entered the Laconia Hospital, and that upon her discharge from the hospital on September 17, 1951 she entered the Gale Nursing Home in Laconia where she has remained up to the present time. You further advise that Mrs. Taylor owned property in Moultonboro upon which she paid taxes up to March 29, 1954 on which date she sold the property.

In determining liability in this case it is necessary to apply the provisions of RSA 166:8 which provides that "any person who . . . shall become a . . . public charge while at any . . . convalescent home . . . or within three months after leaving such institution shall be chargeable for support to the county in which he last resided before entering such institution or home, unless such person has a settlement in some town other than the place where such institution is located or some other county is liable for his support."

On the basis of the facts submitted in your letter it appears that Mrs. Taylor has a settlement in the town of Moultonboro. Although she was not physically present in Moultonboro after June 22, 1951, she continued to keep a home there on which she paid taxes. Thus her domicile remained in Moultonboro until March 29, 1954, and as she has not been domiciled elsewhere for five consecutive years since that date her settlement remains in Moultonboro. Accordingly, it is our opinion that Moultonboro rather than the County of Carroll is the political subdivision chargeable for the local share of Mrs. Taylor's OAA grant.

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John J. Barry, Commissioner

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In closing I would call your attention to the fact that Mrs. Taylor will not lose her Moultonboro settlement by receiving old age assistance. See RSA 167:1.

Very truly yours,

George T. Ray, Jr.
Assistant Attorney General

GTR,Jr/m